

SANCTUARY ADVISORY COUNCIL

Friday, November 17, 2000

10:00 a.m. - 3:00 p.m.

State Office of Planning

235 S. Beretania Street, 6th Floor

Honolulu, Hawaii 96813

Final Meeting Minutes

Attendance

SAC Members Present: Hannah Bernard, Athline Clark, James Coon, Margaret Dupree, Bill Friedl, Eric Gilman, Walter Haas, June Harrigan Lum, Lou Herman, Jack Laufer, Teri Leicher, Bill Lennan, Patty Miller, Dick Poirier, Cindy Knapman for Bob Schroeder, Glenn Soma, Mike Stanton, Mike Tosatto.

SAC Alternates Present: Donna Brown, David Hoffman, Paul Lucas, Reginald White.

Excused: Sallie Beavers, Isaac Harp, Charles Maxwell, Carrie Robertson

Others Present:

NOAA: Chris Brammer, Claire Cappelle, Kellie Cheung, Craig McLean, Liz Moore, Naomi McIntosh, Jean Souza.

STATE OF HAWAII: Liza Simon, Jeff Walters.

PUBLIC: Rob Wilder (Pacific Whale Foundation)

Distributed Materials

- Meeting Agenda
- SAC Final Meeting Minutes (9/7/00)
- SAC Evaluation
- Acting Manager Report
- State Co-Manager Report
- Conservation Committee Report

- Hawai'i Ocean User's Workshops Flyer
- HIIWNMS Management Plan Goals & Objectives
- Proposed SAC Responsibilities During the MPR
- Draft NMS SAC Implementation Handbook
- Current Sanctuary Staff Information for SAC Handbook

Welcoming Remarks

SAC Chair Hannah Bernard called the meeting to order at 10:10 a.m. Ms. Bernard welcomed everyone and introduced Cmdr. Craig McLean, Deputy Director of the National Marine Sanctuary System, who gave a brief address to the SAC. All meeting participants introduced themselves and alternate members were acknowledged. Ms. Bernard then called for an approval of the minutes from the meeting held on September 7, 2000. Minutes were approved unanimously.

SAC Chair Report

Ms. Bernard indicated that she just attended a meeting regarding changes to the Marine Mammal Protection Act.

Acting Sanctuary Manager Report

Naomi McIntosh prepared a written report on the Hawaii sanctuary's activities to date and distributed them to the SAC (see Attachment 1).

State Co-Manager Report

Jeff Walters distributed a written report on State activities (see Attachment 2) and apologized for the tight meeting accommodations and lack of parking. Dr. Walters announced the pending resignation of Tim Johns, Chairman of the Department of Land and Natural Resources, which will tentatively occur at the end of the year. He passed around a copy of the book "Hawai'i's Native & Exotic Freshwater Animals" by Mike Yamamoto and Annette Tagawa that was developed by DLNR.

Bill Lennan inquired about the sanctuary video that was mentioned in Dr. Walter's report and asked why it was done for Hawaiian Airlines. He further commented that a video should have been done for all airlines. Dr. Walters replied that Hawaiian Airlines initiated the effort and the sanctuary did not pay any costs for production. He also stated

that the video producer had indicated that there should not be a problem with the sanctuary using the video for non-commercial purposes. Mr. Lennan remarked that most of the hotels in Hawaii have a designated in-house television channel that may be a good venue for this type of video. Dr. Walters acknowledged that Hawaiian Airlines might consider this option if they get to use their logos and get acknowledgement for it. In addition, Scott Sorenson, the video producer, may be willing to do another video for the sanctuary if approached.

ACTION: Patty Miller requested a copy of the video and volunteered to make duplicate copies for the SAC to use in committee and island working group activities.

Other questions on the report focused on research funding. The SAC asked whether the state's research permit process would change and Dr. Walters indicated that it would remain basically the same. He noted that the state will coordinate more closely with NMFS in issuing and reviewing permits and with DOCARE to enforce them. He further stated that the conditions of the permits are not hugely different but an inclusion will be added that require vessels to get a safety inspection prior to issuance of a permit. This is being done so that DOCARE and the US Coast Guard will have already conducted a vessel safety inspection in port and will only have to check the permit and passengers when the research vessels are boarded while at sea. Additionally, he indicated, there have been questions about adding research assistants to the permit. The state will be changing the paperwork for this and will now require two weeks to review and coordinate with NMFS before allowing a new person to join a research operation.

Conservation Committee Report

Eric Gilman prepared and distributed a written report (see Attachment 3) on committee activities. Items in the report were further discussed under New Business.

Education Committee Report

Patty Miller announced that she has been pushing the Education Committee to help the sanctuary develop their education plan. She remarked that she has been getting good feedback from the group via e-mail but is concerned by the cutbacks in travel funds for meetings. Ms. Miller indicated that the Education Committee is trying to have something prepared for the SAC to review at the next meeting in January. She announced that she will be doing a live KidScience show from the Navatek ship in conjunction with a Sanctuary Awareness week planned for February. She encouraged researchers and others

to participate. She also asked if any agencies would be interested in offering support (e.g., boats, etc.) for future activities or for activities for the Sanctuary Awareness week.

Mike Stanton complimented Ms. Miller on her efforts and remarked to the SAC that she has been responsible for creating three different television programs within one Atlantis Submarines trip. These tapings will be broadcast nationwide as three separate shows.

Hawaii County Report

Ms Bernard indicated that Sallie Beavers, Hawaii County Representative, is absent and unable to provide an update to the SAC.

Honolulu County Report

With regard to the earlier reference to the Big Island, Bill Friedl noted that there is money at the Natural Energy Laboratory in Kona, Hawaii to develop a “Gateway Center.” This center would serve as an education and outreach facility and Mr. Friedl indicated that space has been set aside for the sanctuary facilities and/or displays.

Mr. Friedl briefly discussed the activities that the O`ahu Sanctuary office has been involved in including Sea Life Park’s Halloween Festival, Marine Mammal Day at Hanauma Bay, and the First Annual Harbor Festival at Aloha Tower Marketplace. He also thanked Chris Brammer of the O`ahu office for the informative event report summaries she provided to him on these activities.

Kauai County Report

Dr. Haas reported that the new Kaua`i office in Lihu`e is expected to open in January. On November 18, the Kaua`i sanctuary office participated in the Kilauea Arts and Crafts Fair where they had an educational booth available for the public.

Maui County Report

Ms. Bernard announced that she has been working closely with the sanctuary and recently participated in the Hawaii Environmental Educators Association (HEEA) conference on Maui. She remarked that the conference was not well-attended this year, but serves as a good opportunity to reach the community.

Claire Cappelle, Maui Sanctuary Liaison, announced that the Maui office has been working on plans to construct an ADA compliant restroom in the site's Education Center and will be doing roof repairs on the main building. The last presentation in the Maui Sanctuary Lecture Series was by Brian Midson, a researcher with the UH Hawaii Undersea Laboratory. Brian spoke on the formation of Loihi and provided a very successful and insightful presentation. The Maui site brochure is almost complete and the SAC will be receiving a copy for review and comment shortly. The finalized brochure will be distributed to a variety of places on Maui, including hotels and dive shops.

Jean Souza, Kauai Sanctuary Liaison, also indicated that the sanctuary is currently working on its general site brochure and will be asking for SAC input on that as well.

Research Committee Report

Paul Nachtigall announced that he did not have much to report as there have been no research committee meetings. Ms. Bernard asked him about the projects that have been submitted to the sanctuary for a Request for Proposal (RFP) and whether he was happy with the selection. Dr. Nachtigall indicated that he was and that he did have input into the funding process.

SAC Chairs' Meeting Update

Ms. Bernard noted that everyone should have a copy of the minutes from this meeting. She remarked that the SAC has been somewhat hampered in the sanctuary's decision-making process and emphasized the need to clarify the SAC's roles. One of the agenda items that was not resolved was the discussion on SAC subcommittee meetings. Ms. McIntosh stated that the national sanctuary policy does not allow for the funding of travel to any working group or subcommittee meetings. Given our geographical situation, however, the Hawaii sanctuary will allow funding for a limited amount of travel. The SAC acknowledged the need to resolve the issues surrounding subcommittee/working group meetings immediately.

MOTION: Ms. Miller called for a motion to allow for 15 minutes to discuss meetings. Motion carried.

Meeting Discussion:

The SAC discussed various options for meeting schedules including extending meeting times from 8:00 a.m. to 4:00 p.m. (rather than 10:00 a.m. to 3:00 p.m.) and devoting half of that time to subcommittee work (Drawback: meeting on the same day would not allow time for subcommittee recommendations to be prepared and presented for proper SAC review), and increasing SAC meetings from four to six times per year (Drawback: would decrease funding availability for subcommittee meetings).

As one solution, Dr. Walters suggested using state videoconference facilities to hold subcommittee meetings. This would reduce meeting costs as well as give the SAC ample time to see subcommittee recommendations and make decisions prior to meetings. Ms. Miller indicated that she would like to see videoconference and regular subcommittee meetings held as not all subcommittee meetings require recommendations or decision-making.

On another topic, June Harrigan Lum suggested that the structure of SAC meetings be changed to eliminate verbal reports by subcommittee chairs and island representatives. This information could be provided by e-mail prior to meetings and would free up more time for discussion and decision-making in meetings. Paul Lucas further suggested that as an advisory council, the SAC should be making recommendations and taking action on behalf of the subcommittees. Ideally, he noted, the subcommittee should meet, make a report, submit it to the SAC two weeks prior to a meeting, allow the SAC to engage in discussion and take action.

Further discussion was deferred to New Business.

National Marine Sanctuary System Update

Ms. McIntosh introduced Liz Moore, Program Analyst for the National Marine Sanctuary System, to discuss the Management Plan Review process. Ms. Moore explained that she works on SAC issues from a national perspective and distributed copies of the draft handbook on national SAC policy and protocol to the group. She asked members to review the handbook and provide comments by January 6, 2001. Ms. Moore also announced that a SAC Chair's and Coordinator's meeting will be held in Monterey, CA at the end of January.

Ms. Moore indicated that the management plan review process has been initiated for submittal to Governor Cayetano in June 2002. The process has been developed over the last two and a half years between headquarters staff and the various sites currently going

through the management plan review process (i.e., Channel Islands, Stellwagen Bank and Gray's Reef). Half of the 13 sites will be involved in this process next year. She remarked that the old management plan was well written but contained a number of unclear items. As a result, the new plan will be repackaged and measurements will be made as to how effective the sanctuary has been. She indicated that headquarters will provide support to the on-site staff based on budget appropriations and an onsite coordinator will be hired to coordinate the process. Management plan staff support from headquarters will include policy people, graphic artists, and an outreach/media communications plan person. Currently, NOAA and the state have agreed on the process and general direction of the sanctuary management plan review. The sanctuary has spent the last two weeks doing project planning, assigning responsibilities, assessing the sanctuary's performance to date and identifying the goals and objectives for the management plan. Copies of the goals and objectives have been sent to all SAC members for their review.

Ms. Moore distributed a table outlining the proposed SAC responsibilities during the management plan review process. She noted that the role of the SAC is vital as they can help involve the community in the process and assist in writing some of the strategies for the sanctuary action plans. Ms. Moore also indicated that the most immediate need is to have everyone on the SAC fill out the evaluation form that was distributed at an earlier meeting. She acknowledged that the sanctuary received a few responses but needs more. Per the request of the SAC, these forms will be distributed to members via e-mail. Ms. Moore also requested that SAC members become familiar with the goals and objectives of the management plan as well as the steps in the process. Once the State of the Sanctuary Report is drafted, copies will be distributed to the SAC for review.

The group was reminded that at an earlier SAC meeting, a SAC Management Plan Review subcommittee was formed. Ms. Moore asked whether these volunteers were still interested in participating and if anyone else wished to sign up. The current subcommittee is composed of:

Sallie Beavers
Jim Coon
Bill Friedl
Greg Kaufman (alternate)
Dick Poirier
Mike Stanton
Claud Sutcliffe (alternate)
Jeff Walters

This subcommittee will assist in a variety of management plan review activities including reviewing the draft management plan outline, reviewing working drafts of the revised management plan, helping to facilitate public meeting roundtables, and reviewing working drafts of the final revised management plan. Anyone interested in participating in this subcommittee can contact Kellie Cheung at the O`ahu office.

The SAC had some questions regarding the education and research strategic plans currently under development and how they would fit into the management plan. Ms. McIntosh remarked that these efforts will be incorporated into the plan. Ms. Moore also reminded the group that the sanctuary would be looking to more of the members for assistance in the review process. Dr. Walters commented that the state initially had concerns with the process six months ago but sanctuary staff and management have been very helpful in addressing these concerns.

One SAC member expressed concern that the proposed goals and objectives for the management plan do not give adequate attention to conservation concerns and issues. Ms. McIntosh acknowledged that additional objectives can be added to address this. She requested that further recommendations be sent to her.

Another member commented that SAC input was not taken very seriously during the original development of the management plan and asked if this would be the case for the new plan. Craig McLean stressed that SAC recommendations will be taken seriously and promised that the sanctuary would be responsive to SAC comments. He further remarked that SAC input would lend effectiveness to the plan as the SAC serves as the conduit

between the public and the sanctuary. It was requested that if SAC recommendations are not implemented, members should receive an explanation on why not.

New Business

Meeting Schedule:

The SAC revisited the discussion held earlier on the frequency of meetings.

MOTION:

1. Hold SAC meetings every other month (6 times/year).
2. Committee meetings will be held either before or after (preferably after) each SAC meeting to further discuss issues.
3. During the period between each SAC meeting, committees will be encouraged to meet via teleconference facilities offered by the State.
4. Committee agenda items will be placed on regular SAC agendas.

Motion approved.

Ms. Bernard announced that the next SAC meeting will be held on Thursday, January 18, 2001 from 9:00 a.m. to 3:00 p.m. Tentative dates for the next meetings are March 8, 2001 and May 10, 2001. Dr. Walters also announced that State video-conference facilities are available on Monday, December 11, 2000 and Wednesday, December 13, 2000 for subcommittee meetings.

Conservation Committee Report Discussion:

The SAC addressed the oil spill issue that was identified in the Conservation Committee's report. Cdr. Michael Tosatto recommended that the committee review the Coast Guard's Area Contingency Plan for its effectiveness in addressing the oil spill issue and reports on the Exxon Valdez oil spill.

ACTION: The SAC requested that a report on the Exxon Valdez oil spill and its impacts on whales be distributed for SAC review.

The conservation report also identified some concerns regarding whale watch operations. Ms. Bernard remarked that the whale watch issue is addressed in the sanctuary's annual Ocean User's Workshops and suggested that SAC members, particularly conservation

committee members, attend one of the workshops to see if this needs further discussion and attention.

Establishing Working Groups vs. Subcommittees:

Ms. Bernard noted that the issue of allowing alternate members to participate in subcommittee meetings was discussed at the special Chair's meeting. Because alternates are not allowed to participate in subcommittees, the SAC must decide whether to keep the Conservation, Education and Research groups as subcommittees or convert them to working groups. Several members of the SAC felt that converting them to working groups (thus allowing for public participation) would create logistical difficulties. Liz Moore reminded the SAC that alternates are not allowed to participate in subcommittee meetings as they are viewed as members of the public. Furthermore, it is not a matter of amending the charter to allow for it, it is a national policy. The SAC agreed to keep the groups as subcommittees but allow alternates to participate without voting privileges.

Selection of Subcommittee Chairs:

Ms. Bernard called for an approval of the recommendation on selecting subcommittee chairs which was developed at the special Chair's meeting. This recommendation states that SAC representatives (e.g., conservation, education and research) will automatically be appointed as Subcommittee Chairs. This policy will be stated on applications when soliciting for SAC representatives as applicants need to be aware that some seats will require additional responsibilities. Subcommittee Vice Chairs will be appointed by the Subcommittee Chair. Vice Chairs will share in responsibilities of the Chair (at the pleasure of the Chair) and must be a primary SAC member (alternates will not be allowed to serve). Recommendation was approved.

Island Representative Responsibilities:

Ms. Bernard called for an approval of the recommendation to change the wording of the charter to read that county representatives MAY hold meetings rather than SHALL. One SAC member suggested that the footnote regarding mandatory county representative responsibilities, on page 4 of the SAC charter, be stricken. Sanctuary staff will investigate Sallie Beaver's concerns regarding providing a budget for county working groups.

Announcements

Ms. McIntosh announced that Whale Watching representative Carrie Robertson will be taking a temporary leave of absence (approximately 3-6 months) to go to the mainland. Her alternate, Reginald White will be sitting in for her during this time.

Public Forum

Rob Wilder of the Pacific Whale Foundation spoke to the SAC on the Northwestern Hawaiian Islands (NWHI) issue and distributed a copy of a letter that was sent to the Center for Environmental Quality. Dr. Wilder further urged the SAC to write a letter requesting stronger protection for the area and the designation of a monument or national park in NWHI. Several SAC members acknowledged that while it is an important issue, it is not within the sanctuary's jurisdiction to comment. The SAC elected to take no further action.

With no further business, the meeting was adjourned at 3:15 p.m. **The next SAC meeting will be held at the Ward Warehouse Conference Rooms in Honolulu, Hawai'i on Thursday, January 18, 2001 at 9:00 a.m.**

ATTACHMENT 1

ACTING SANCTUARY MANAGER'S REPORT

SANCTUARY ADVISORY COUNCIL

Friday, November 17, 2000

National Marine Sanctuary Program News

- On November 13, 2000, President Clinton signed the National Marine Sanctuaries Amendments Act of 2000, thereby extending and improving the management of the nation's 13 marine sanctuaries.
- Congress and the White House agreed to postpone work on wrapping up the five appropriations bills, including the spending bill for the Department of Commerce until December 5. As a result the House and Senate, approved resolutions to keep the affected government agencies running until December 5.
- Under the Civil Penalties Inflation Adjustment Act, the maximum civil penalty under NMSA is now 119K; previously the maximum was 109K.
- Efforts to underway to create a national non-government foundation to support Sanctuary program activities. The foundation is being established through a partnership of various Sanctuary supporters.

Sanctuary Administration News

- September 21 –23, Acting Sanctuary Manager Naomi McIntosh and State Co-Manager Jeff Walters traveled to Washington, DC to attend a Sanctuary Management Plan Review Meeting.
- September 25 – 27: Acting Sanctuary Manager Naomi McIntosh and State Co-Manager Jeff Walters visited the FKNMS.
- November 1 – November 3, Acting Sanctuary Manager Naomi McIntosh traveled to Key West, Florida to attend the Sanctuary's Leadership Team Meeting. Topics included: Budget plans for fiscal year 2001, Management Plan Reviews, and National Program Initiatives.
- A 10-year Facility Master Plan has been completed for the Maui Office of the Sanctuary. The purpose of developing a 10-year plan for the Maui office was to gain

better insight into the facility needs of the Maui site. The Sanctuary has no plans to move forward until decisions regarding budget allocations for future facilities improvements are made for the Maui office.

Education and Outreach Activities

- September 14 – 17. The Sanctuary staff from the Maui and Oahu office staffed a booth at the Hilo fair.
- October 7 – 9. Sanctuary Staff from the Maui and Kauai Office supported efforts for the Tenth Annual Hawaii Environmental Education Association Conference on Maui.
- October 12. Patty Miller invited the Sanctuary to participate in a KidScience Special on NOAA's 30th Anniversary.
- October 21. A community celebration "Breach for the Sun" was held at the Maui Sanctuary Office. The event was to dedicate the Sanctuary's new solar system and to recognize the partnership efforts of Maui Electric Company, the Sanctuary and the Department of Energy National Renewable Energy Laboratory to utilize solar energy at the federal office site.
- October 27. Oahu Sanctuary Staff participated in "Scream Life Park" to provide hands-on craft activities for local residents and visitors. The annual event is sponsored by Atlantis Adventures Sea Life Park and provides safe fun for kids to celebrate Halloween. The theme of the event is to raise awareness about Hawaii's deep-sea creatures. Volunteers from NMFS Pacific Island Area Office and the State Sanctuary office staff joined the Sanctuary in staffing our booth.
- October 28. Oahu Sanctuary Staff participated in Hanauma Bay's Marine Mammal Day. The Sanctuary was invited to have a booth and also to provide a presentation on the beach about the Sanctuary and Hawaii's Humpback Whales. Thank you to Liza Simons who also volunteered to help out.
- November 11. Oahu Sanctuary Staff participated in the first Honolulu Harbor Fest sponsored by Hawaii's Maritime Industries. The event was to highlight the revitalization of the Honolulu Harbor area. Thank you to Jeff Walters who attended the event and searched for the Sanctuary booth for two hours and also Marilyn Luipold, NMFS PIAO Office for helping us staff our booth.

Upcoming Events

- December 5 –14. The Sanctuary will conduct its annual Ocean User Workshops to provide instruction on the laws that protect humpback whales. The Sanctuary in partnership with NMFS Enforcement, NMFS Pacific Island Area Office and the State of Hawaii Department of Land and Natural Resources coordinates the workshops.
- January 29 – February 1. A National Marine Sanctuary Program Meeting for SAC Chairs and Coordinators will be held in Monterey Bay, CA.
- February 18 – 24. Sanctuary Awareness Week.
- Sanctuary Calendar of Events will be updated on the Sanctuary Website at <www.hihwnms.nos.noaa.gov>

Other

- Joylynn Olivera, Sanctuary Cultural Education Specialist has been selected to give a presentation to the National Association for Interpretation in April 2001. Her presentation topic will be on “Encouraging Native Hawaiians to Volunteer with the HIHWNMS”.
- The Sanctuary received a Certificate of Achievement from US DOE Federal Energy Management Program National Renewable Energy Laboratory for the installation of the Solar Photovoltaic Utility Power System to create solar energy at the Maui Office. A second certificate was given in recognition of the Sanctuary’s Partnership with the Department of Energy for Installing a Solar Roof making the Sanctuary one of a million solar roofs under the President’s million solar roofs initiative.
- After two years of indecision, the State of Hawai‘i declared that it is in fact the owner of the royal fishpond, Kō‘ie‘ie Loko I‘a, that graces the shoreline of the Maui site of the Hawaiian Islands Humpback Whale Sanctuary. This is good news in that the community groups can now move forward with restacking the walls.

ATTACHMENT 2

April 13, 2001

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period September 8, 2000 through November 17, 2000.

Trip to NOAA HQ and Florida Keys NMS

I accompanied Naomi McIntosh, Acting Sanctuary Manager, during a visit to NOAA HQ in Silver Spring, MD on September 21 and 22. We attended a meeting of the National Marine Sanctuary Program's (NMSP) management plan review team where we learned about NMSP's process for management plan review and revision and shared experiences with folks from other sanctuaries who are also in various stages of plan review and revision. Naomi and I also had a good meeting with Dan Basta, Acting NMSP Chief, who expressed his desire to work in close coordination with the SAC and the State throughout the review and revision process. While in the DC area, Naomi and I also briefed representatives from Hawaii's congressional delegation, including Allen Tom of Senator Inouye's office, about the sanctuary in general and the plan review and revision in particular. Continuing our trip, we visited the offices of the Florida Keys NMS in Key West and Marathon on September 25 and 27. We had very informative meetings with Sanctuary Manager Billy Causey and many of his staff, and learned a lot that we feel could be applied in our Sanctuary. Naomi and I were particularly taken by their on-the-water outreach program called *Team Ocean*.

Five-Year Review and Revision of the Sanctuary Management Plan

In addition to attending the meeting at NOAA HQ (see above), I attended several meetings with NMSP's Elizabeth Moore and local Sanctuary staff regarding the 5-year management plan review and revision. I have also briefed DLNR Chairperson Tim Johns and Deputy Director Janet Kawelo, and sent out a diagram of the proposed review and

revision process and a draft revised management plan outline to the SAC State agency representatives. So far, there has been strong State support for what has been proposed. A letter to NOAA's Dr. James Baker from Governor Cayetano, stating the State's support for the proposed process and outline, has been drafted and should soon be on the Governor's desk for signature.

Hawaiian Airlines Video on Humpbacks and the Sanctuary

Liza Simon, the State's Public Outreach Coordinator, and other Sanctuary staff worked with Scott Sorenson of Coco Films to produce a 15-minute video that highlights humpback whales in Hawaii and the Sanctuary's role in their protection. The video will be part of the in-flight video magazine that's played on all Hawaiian Airline flights coming to Hawaii from the mainland during December and January. Scott estimates that at least 200,000 people will see the video. I'm biased, but I think it's excellent – we hope to show it during a SAC meeting. Our own Naomi McIntosh, Hannah Bernard, Patty Miller, Claire Cappelle and Joylynn Oliveira, as well as UH's Dr. Joe Mobley are all featured in the video. Thanks to Patty for supplying some of the footage. We also owe thanks to NMFS for facilitating approval for use of some of the footage taken under research permits. Liza also wrote an article about the Sanctuary that will appear in *Hana Hou*, the Hawaiian Airlines in-flight magazine.

Other Media Exposure

Information and/or articles about the Sanctuary have recently appeared in the following publications: *Hawaii Ocean Industry and Shipping News*, *This Week*, *Spotlight*, *101 Things to Do on Maui*, *Pacific Travels* and *Kohiko* (these last two are Japanese publications). Liza Simon is also currently working on articles to appear in *Hawaii Parent Magazine*, *Honolulu Magazine*, *Hawaii Magazine*, and *Gold Coast*.

MOU between NMSP and DLNR regarding Sanctuary Co-management

We are very close to finalizing an MOU between NMSP and DLNR that specifies the procedures and protocols for Federal-State co-management of the Sanctuary. This MOU provides the details to the general Compact Agreement signed in 1998 by Governor Cayetano and Undersecretary Dr. James Baker.

Sanctuary Vessel

NMSP continues to concur with DLNR and the SAC that the Sanctuary would benefit from having its own vessel. NOAA's budget for this fiscal year has still not been finalized, but there has been discussion of NMSP providing funds for acquisition of a vessel in this year's allocation to our Sanctuary. We still think the best vessel to get at

this time would be a 30' or less "trailerable" boat, which has a flying bridge, twin diesel engines, and a covered cabin. We'll have a better idea what's going to happen once the Sanctuary's annual operating budget for FY 01 has been finalized.

State Scientific Research Permits

The content and format of the permits the State issues for humpback whale (and other cetacean) research were modified this year after consultations with NMFS and DOCARE. These modifications were done to maximize protection of endangered whales in a manner consistent with Federal and State law, while allowing for scientific research activities that promise to assist in endangered whale population recovery efforts. So far, 5 applications for State humpback research permits have been received for this upcoming season. All applications are still pending final approval.

Research Funding

The RFP for research projects was released to the SAC via email on September 29, 2000. Eleven proposals were submitted: three proposals for Project 1. "Abundance Estimate of Humpback Whales in Hawaii," four proposals for Project 2. "Estimation of Spatial Distribution by Age and Sex of Humpback Whales in Hawaii, and four proposals for Project 3. "Characterization of Sub-Surface Behavior of Humpback Whales in Hawaii." DLNR will consult with NMSP and NMFS-PIAO in selecting the winning proposals. A total of \$40K will be awarded. DLNR will administer the funds that were provided by NMSP through a modification to the NMSP-DLNR contract. The selections should be finalized by the end of November.

Contract Matters

A new contract between DLNR and DOH was executed in mid-October to continue the Sanctuary-supported water quality work discussed by Dr. Ed Laws at the August SAC meeting. A draft interim progress report for the NOAA-DLNR contract (the principal source of State Sanctuary funds) was submitted to NOAA in early November. The progress report will be considered in revising the scope of work for the remaining contract period (through September 20, 2001). Work on a new contract or other Federal-State funding instrument will begin in the spring.

Other Activities

Liza Simon and/or I have also participated in the following activities: 1. the "Breach for the Sun" dedication celebration for the new solar power system at Maui HQ (10/21); 2. the Hawaii Environmental Education Association annual conference (10/7-10/8); 3. a meeting with SAC officers and chairs regarding SAC role and protocols (10/19); 4. meetings with local visitor bureaus and their advertising agencies (October); 5. the "Scream Life Park" Halloween event at Sea Life Park (10/27); 6. the Marine Mammal

Day at Hanauma Bay (10/28); and 7. the first meeting of the Waianae Task Force on Marine Mammal Watching and Commercial Fishing (11/9).

cc: Timothy E. Johns, DLNR Chairperson
William S. Devick, DLNR-DAR Administrator

ATTACHMENT 3

Hawaiian Islands Humpback Whale National Marine Sanctuary

Conservation Subcommittee Report for the 17 November 2000

Sanctuary Advisory Council meeting

- **NPAL comment letter:** Directed by the SAC at the last meeting to provide recommendations to the Sanctuary management in response to a NMFS Federal Register Notice of 24 August 2000 regarding the take of marine mammals incidental to the operation of a low frequency sound source by the North Pacific Acoustic Laboratory. The comment period closed on 25 September. Four members of the Subcommittee met on Friday, 22 September and produced a draft letter, Kellie Cheung distributed the draft letter for review by the subcommittee members over the weekend, distributed a revised letter to the full SAC on Monday 25 September, and on Monday afternoon Kellie attached the subcommittee's comments to a letter to the recipient of comments for the FR Notice. Two SAC members who are members of the subcommittee were not included on the Sanctuary's e-mail distribution list for the subcommittee, but this problem has now been corrected. Several subcommittee members expressed frustration with the short time allotted to comment on the draft letter, and expressed disagreement with the position stated in the final letter.
- **Subcommittee meetings -- request for more travel funding or video conferencing:** On 22 September, the Subcommittee agreed to request that the SAC consider pursuing funding for more frequent Humpback Whale Sanctuary subcommittee or working group meetings. The Humpback Whale Sanctuary currently funds travel for one meeting per year for each subcommittee. The conservation subcommittee requests that the SAC discuss whether to request that the Sanctuary Manager fund more than one subcommittee or working group meetings per year. Because Hawaii is an island state, allocating additional funding for more than one meeting of subcommittees per year is justified. At a SAC Subcommittee Chairs meeting held on 19 October participants discussed the possibility of using video conferencing, another alternative the SAC can consider.
- **Subcommittee chair:** On 22 September, the subcommittee decided to request making Isaac Harp Co-Chair of the Subcommittee. On 19 October, at a meeting of the SAC Subcommittee Chairs, the protocol for creating vice chairs was discussed

and a process was described. The Conservation Subcommittee requests that the SAC clarify the protocol for designating subcommittee positions.

- **Oil Spill Contingency Planning:** The members of the Conservation Subcommittee request that the SAC have the Conservation Subcommittee work with the Hawaii Oil Spill Contingency Plan Area Committee and their Oiled Wildlife Subcommittee to (a) contribute to coordination efforts with the Humpback Whale NMS, (b) ensure that the plan's sensitivity maps accurately prioritize important whale habitat, (c) review proposed oil spill response actions to ensure that they will not likely adversely affect whales, and (d) contribute to improvements and implementation of the Oil Spill Contingency Plan's section on oiled wildlife recovery and rehabilitation. Naomi informed me yesterday that Dr. Sharon Christopherson of the NOAA Hazardous Materials Response and Assessment Division, has agreed to give a one-hour presentation to the SAC in January on roles for responders to oil spills and role of the Sanctuary Program and the SAC in oil spill response. Also, the Hawaii Area Plan's 10-year-old sensitivity maps are currently being updated. Naomi provided the boundaries of the Sanctuary to be included in the revised sensitivity maps, suggested that the sensitivity maps identify important humpback whale habitat as all areas in the Hawaiian Islands up to the 100 isobath, and recommended that the group revising the maps talk with whale researchers to identify areas known to support high densities of whales.
- **Northwestern Hawaiian Islands:** Greg Kaufman requested that the SAC consider developing a position on a management framework for the Northwestern Hawaiian Islands. On 26 May 2000 President Clinton signed a Memorandum directing the Secretaries of the Departments of Commerce and Interior, in cooperation with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council, to initiate an administrative process to develop recommendations to increase protection of the NWHI ecosystem and provide for sustainable use.
- **Whale Watching operations:** Isaac Harp requested that the SAC discuss how to address his concern that the whale watching industry may be using a loophole in regulations that restrict approaching whales within 100 yards by positioning their boats in the direct path of the whales so that the whale approaches the boat, and not the other way around.